SPEECH

OF

MR. SEVERANCE, OF MAINE,

ON THE

RIGHT OF PETITION.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 16, 1844.

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SPEECH.

The question being on the motion of Mr. Black, of Georgia, to amend the motion of Mr. Dromgoole, of Virginia, to recommit the report of the Select Committee on the Rules, with instructions to report to the House the following, viz:

"No petition, memorial, resolution, or other paper, praying the abolition of slavery in the District of Columbia, or any State or Territory, or the slave trade between the States or Territories of the United States in which it now exists, shall be received by the House, or entertained in any way whatever."

Mr. SEVERANCE rose and said:

MR. SPEAKER: I do not propose to discuss the importanee, the history, or the origin, of the right of petition—others have, perhaps, sufficiently occupied that ground; nor shall I take up much time in refuting the ingenious arguments whieh have been offered, to prove that the right of petition is fully recognised and sufficiently regarded, by merely permitting a member of the House to *present* a petition in his plaee. Here is the rule which it is proposed to continue in force.

(Mr. Severance read it as above.)

Now it will surely not be denied, that the right of petition upon the four subjects embraced in this rule is set at nought in express terms. Petitions on these subjects are not to be reeeived or considered *in any manner whatever*. And why not? Why are they seleeted for condemnation and rejection? Surely they are not frivolous or unimportant. No, indeed—the sensation they create here and elsewhere shows that they are, as they ought to be, regarded as of the deepest import. Why, then, is a distinction drawn between them and other petitions? Is it that Congress ought not to grant their prayer? Sir, this is no valid reason. Other petitions that ought not to be granted are received every day, and referred to committees, which report for or against them. We are not to prejudge them before investigation, but decide upon their merits after a patient hearing. The right of petition is a mere mockery, if it does not go to this extent; and those Southern gentlemen are entirely in the right, who say that the mere *reception* of petitions, and laying them on the table without further action, will never satisfy the petitioners. Sir, it will not, and it ought not. Nothing will satisfy them, or satisfy the eountry, but to have these petitions treated like all other petitions. But, it is said, they ask for legislative action which would be unconstitutional, and therefore we ought to notify the people beforehand that petitions on certain subjects will not be received. This pretence constitutes the only reason I have ever heard, having the least degree of plausibility, for the adoption of this offensive rule. Is it valid? I think I can show that it is not valid, but is utterly groundless as to three out of four of the classes of petitions embraced in the rule; and as to the fourth, (that relating to slavery in the States,) there is no necessity for any such rule, for such petitions are not sent here. Petitions of this sort appear to be ineluded in the rule, only to put the other three classes of petitions in bad company, and for no other purpose whatever. No such petitions being sent here, there can be no neeessity for a rule to exclude them. And how is it with the other three? Sir, I contend that Congress has the power to abolish slavery in this District, and the slave trade, domestic or foreign, upon the high seas.

The foreign has been *prohibited*, and Congress has legislated already upon the domestic slave trade, so far as to inflict penalties upon it in vessels under forty tons. Congress, then, having the power to legislate upon these subjects, abuses its authority by refusing to receive petitions for such legislative action. Congress has also paramount and local jurisdiction in the Territories.

To my mind the gentleman from New York, (Mr. BEARDSLEY,) and the gentleman from Massachusetts, (Mr. HUDSON,) demonstrated the constitutional power of Congress to abolish slavery in the District of Columbia. But the gentleman from Mississippi, (Mr. Hammett,) who preceded me, denies that either Congress or the States have any power to abolish slavery any where. Let us see how this is.

Among the enumerated powers of Congress, in the eighth section of the first article of the Constitution of the United States, is the following:

"To exercise exclusive legislation in all cases whatsoever over such district, not exceeding ten miles square, as may, by the cession of particular States, and the acceptance of Congress, become the seat of government of the United States."

Virginia and Maryland made the cessions, and Congress accepted them. If they were not in conformity to the foregoing provision of the Constitution, they were invalid; but they did so conform, without any reservation whatever.

Here is the language of the Virginia deed of cession. The tract of country now the county of Alexandria is "forever ceded and relinquished to the Congress and Government of the United States, in full and absolute right and jurisdiction, as well of soil as of persons residing, or to reside, thereon." "Provided, that nothing herein contained shall be construed to vest in the United States any right of property in the soil, or to affect the rights of individuals therein, otherwise than the same shall or may be transferred by such individuals to the United States."

The proviso was intended to exonerate Virginia from any obligation to convey to the United States the right of property *in the soil which was owned by individuals*—a proviso which, I presume, could only be regarded as necessary, because the words right of "soil" had been used in the deed of cession. But the "absolute right of jurisdiction, as well of *soil* as of persons residing," &c., did not mean right of PROPERTY *in* individuals, or *of* individuals. It did not mean to convey the property of individuals to the United States, or to withhold any authority which the State of Virginia possessed. Hence the argument of Messrs. Wise and Chapman, from the minority of the committee on the rules, that Virginia withheld the right of property in slaves or persons, can have no weight. The grammatical language of the proviso does not warrant it, nor does the language of the Constitution permit any such reservation on the part of Virginia.

Nor was there any misunderstanding about the matter at the time. Objections were made in the Virginia convention, that Congress might abolish slavery, and Mr. Madison explained the necessity for giving Congress exclusive legislation. A conflict of authority, or divided sovereignty, would have led to confusion. There was no oversight on this point; the subject of slavery was more fully, and far more freely, if not more rationally, discussed then than it is now. The whole legislative authority, the law-making power, the absolute jurisdiction, was conveyed by Maryland and Virginia to the United States.

The gentleman from Mississippi, however, says, that neither Maryland nor Virginia had the *right* to abolish slavery at the time of the deeds of cession, and therefore could not convey such right to the United States. He says the constitutions of those States forbid them from taking private property for public uses, and that slaves being private property, the legislatures of those States could not then, and cannot now, abolish slavery. Let us see. Here is the constitution of Virginia, as it was then and is now. I will read what relates to this matter; it is the 6th paragraph of the Declaration of Rights:

"6. That electors of members, to serve as representatives of the people, ought to be free, and that all men having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, *or that of their representatives so elected,* nor bound by any law to which they have not, *in like manner, assented,* for the public good."

Now, admitting slaves to be PROPERTY *by the constitution and laws of Virginia*, still here is a positive authority conferred on the legislative power to take the private property of individuals, in taxes or otherwise, "for the public good." So much for Virginia. Now we will look at the Maryland constitution. Paragraph 21st of the Bill of Rights reads thus:

"21. That no freeman ought to be taken, or imprisoned, or disseized of his freehold, liberties, or privileges, or out-lawed, or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the judgment of his peers, *or by the law of the land.*"

That is, by judicial process, or by the legislative authority. The sovereign power of the State can take his property from him, if necessary to the public good.

What, then, becomes of the pretence, that the legislative power of a State cannot abolish slavery? Sir, I deny that abolishing slavery *is* taking "private property for public uses." The term *public uses* supposes its *continuance as property*, and its seizure by the Government or its agents, and conversion to a public use *as property*. Emancipation is not converting private property to a *public use*. It is only restoring a human being to his natural rights in the community. *He ceases to be property;* he is not *taken;* he is emancipated—permitted to *take* himself, and have the use of his own flesh and blood, his bones and sinews, and his wits, if he has any. His person is his own, and not another man's. He is restored to his natural rights by the *law;* rights of which he had been unjustly deprived *by the law*. Will it be contended, in this boasted free country, that the law can enslave him, but cannot liberate him? In liberating him, the Government, instead of taking "private property for public uses," only exercises one of the most important functions for which it was instituted—that of protecting the weak against the rapacity of the strong, and securing the equal rights of all: it only takes one great step in the progress of civilization, by substituting just and equal laws for those which are unjust, oppressive and barbarous. By what tenure is any man held as a slave? *It is by the force of law, or by the violent exercise of lawless power.* In our country slavery exists by the force of the local law; certainly not by any natural right which is above and beyond the law, for the natural rights of men are all alike. A distinguished statesman has said, "that is property which the law makes property." This is true, undoubtedly. But whether a law that makes one man the property of another is a *just* law, is quite another question. I think it is not just; but whatever excuses may be made for the continuance of such law in some States, from the circumstances of the case, I see not a particle of reason to doubt that every State has full power to repeal such laws, and to provide compensation to owners of slaves or not, as the legislative power shall see fit. I know that in three or four States their constitutions prohibit the passage of laws to emancipate the slaves, unless by making compensation to the masters. But the people of those States can alter their constitutions if they please. They have the power in their own hands, and Congress has the same power wherever it has exclusive jurisdiction. Slavery exists in this District by the law of 1801, by which the laws of Maryland and Virginia were re-enacted and continued in force. Can we not repeal those laws, or modify them? What! will it be contended in this House, and by those who yesterday voted to *nullify* a law of Congress, without asking the concurrence of the Senate or the approval of the President,* that the two Houses and the President, together, cannot *repeal* a law of Congress?

* The law requiring the election of Representatives in Congress to be by single districts.

The gentleman from North Carolina, (Mr. SAUNDERS,) the other day, quoted the 5th article of the Amendments to the Constitution of the United States. This he considered as a guaranty for the existence of slavery, and a prohibition of the abolition of slavery by the States. Not finding any such authority in the original Constitution, he fell upon the 5th article of the Amendments. Here it is:

"ART. 5. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval force, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject to the same offence, or be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation."

This amendment appears to have originated in the Virginia Convention, in 1788, at the time when it was convened to ratify the Constitution of the United States, which had been agreed upon by the National Convention, held in Philadelphia in 1787. The amendment, on the face of it, shows that it was designed to prevent any *abuses in the administration of the Government of the United States*, or any encroachments on the rights or liberties of the people of the *States;* it is not a limitation of *State* authority, but of *Federal* authority. It was so intended by Virginia, and so understood by other States, when they agreed to it. The idea was not then suggested, in any part of the country, north or south, that it contained a prohibition against the abolition of slavery by the States. Had it been so regarded at the North, the amendment would not have been agreed to, and it could never have become a part of the Constitution. Nor is this all; Virginia herself would have been the last State to propose to confer any such power on the General Government, for the great men of Virginia of that day — Washington, Jefferson, Madison, and others — contemplated the future abolition of slavery in that ancient Commonwealth, as well as in other States. In the same Virginia convention to which I have just alluded, Patrick Henry said "slavery is detested; we feel its fatal effects; we deplore it with all the pity of humanity." Yet, he was opposed to giving Congress any power to abolish it, and he opposed the adoption of the Constitution, among other reasons, because he thought the first clause of sec. 8, art. 1, giving Congress the power "to provide for the common defence and general welfare," did confer upon Congress the power, in time of war or insurrection, to use all the means of defence, by liberating the slaves and placing arms in their hands whenever the General Government should think it necessary to exercise such power; and he mentioned the fact that acts of Assembly of Virginia had been passed promising freedom to every slave who should join the army. I apprehend that such acts were not very extensively promulgated among the slave population; but however that may have been, there is nothing in the history of this 5th amendment to show that it was designed to be applied to slaves in any way. If it was, how happens it that the northern States did subsequently go on to abolish slavery without a word of objection, or the remotest allusion, that I ever heard of, to the 5th article of the amendments? Are their acts of emancipation all unconstitutional? Can the ancient masters of Pennsylvania and other northern States recover their slaves by carrying their case to the Supreme Court of the United States? If they can, why don't they do it?

Sir, if the 5th article of the amendments was designed to be applied to slavery at all, let us see if it does not contain rather too much authority for the purpose of the gentleman from North Carolina. In the very same sentence in which it says "no *person* shall be deprived of his *property*," &c., it also says, "no *person* shall be deprived of his *liberty* without due *process of law*," i. e. all the forms of judicial trial. Now, what is the meaning of the word *person* in the Constitution of the United States? It is the very word, and the only term, by

which slaves are alluded to in the Constitution. They are alluded to only in three provisions of the Constitution, and are there spoken of as "*persons.*" Shall we, therefore, infer that the Constitution prohibits slavery in the States? I submit that this construction is more plausible than his; but I contend that the 5th article of the amendments was not intended to have any application to slavery. Nay more: if the words "private property," in that amendment, were intended to be applied to slave property, there would still be no difficulty in the case; for it is a well-settled principle in the Supreme Court of the United States, that each State can determine for itself whether human beings *shall be property* or not. If not, then how can either the General or State governments *take* them as private property for public use?

That this is settled I will proceed to prove. The gentleman from Mississippi referred to a decision of Judge McLean in the circuit court of the United States, last summer, which, he said, established the principle that slaves were property, and could not be set free by any State. He, no doubt, alluded to the case of Van Zandt, who was fined $1200 for assisting a slave to escape from his master. That was under the law of Congress of 1793, and settled no such principle as the gentleman from Mississippi contended for. That case has been appealed to the Supreme Court here at Washington, and is still pending. The gentleman from Mississippi also referred to the case of Prigg *vs.* Pennsylvania to establish his position. That case is reported in 16th Peters, and I have it before me. Though I am no lawyer, I will endeavor to correct the gentleman by reading him a passage from the opinion of Judge McLean—the very judge he has quoted himself, and one of the very cases he has referred to.

Judge McLean said, in his opinion on the celebrated case Prigg *vs.* Pennsylvania—(a case to which, by the way, we may have occasion to refer when other matters come up)—

"The slave, as a sensible and human being, is subject to the local authority, into whatever jurisdiction he may go. He is answerable, under the laws, for his acts, and he may claim their protection. The State may protect him against all the world, except the claim of his master. Should any one commit lawless violence on the slave, the offender may be unquestionably punished; and should the slave commit murder, he may be detained and punished for it by the State, in disregard of the claim of the master. Being within the jurisdiction of a State, a slave bears a *very different relation to it from that of mere property.*"

There is another case, from which the gentleman from Mississippi did *not* quote, though it is full of authority direct to the point, and should be familiar to him. I allude to the case of Groves *vs.* Slaughter, 15th Peters.

The constitution of the State of Mississippi, adopted in 1832, contained a provision prohibiting the importation of slaves into that State, "as merchandize, or for sale," from other States, after the 1st May, 1833; but no law passed under this constitution providing penalties, &c. In 1836, Robert Slaughter, a trader in slaves, carried a lot of them into Mississippi. They were purchased at Natchez by John W. Brown, on a credit, who gave his notes for them, endorsed as security by Moses Groves and James Graham. The notes were not paid, and Groves was sued in the circuit court of the eastern district of Louisiana. He contended that the notes were not collectable, because the contract was in violation of the constitution of Mississippi. The circuit court of Louisiana gave judgment against Groves, on the ground that a legislative enactment was necessary to make the Mississippi constitution operative. Groves appealed to the Supreme Court of the United States, where Slaughter made a new argument, that, as the Constitution of the United States authorized Congress to regulate commerce among the several States, and as slaves were property, or articles of commerce, the State of Mississippi could not prohibit their introduction from other States. The case was argued January term, 1841; Mr. Clay and Mr. Webster arguing for Slaughter, Mr. Jones and Mr. Walker (Senator from Mississippi) for Groves.

The decision of the circuit court was confirmed by a majority of the Supreme Court, viz: "that the prohibition of the constitution of Mississippi did not invalidate the contract, but that an act of the legislature of the State was required to carry it into effect;" and no such law was passed till 1837, which was after the slaves were imported and sold. Judges Story, Thompson, Wayne, and McKinley, concurred with the majority of the court, in the opinion that the provision of the Constitution of the United States, which gives the regulation of commerce to Congress, did not interfere with the provision of the constitution of Mississippi, which relates to the introduction of slaves as merchandize, or for sale. Judges Taney, McLean, and Baldwin, gave separate opinions, differing on certain points, which I have not time to notice. In Judge McLean's opinion I find the following remark:

"The Constitution treats slaves as *persons*, &c.*** In the second section of the first article, which apportions representatives and direct taxes among the States, it provides—'the numbers shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, *three-fifths of all other persons.*' And again, in the 3d section of the fourth article, it is declared that 'no *person* held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.'"

"By the laws of certain slave States," continues the Judge, "slaves are treated as property; and the constitution of Mississippi prohibits their being brought into that State by citizens of other States, for sale, or as merchandize. Merchandize is a comprehensive term, and may include every article of traffic, whether foreign or domestic, which is properly embraced by a commercial regulation. But if slaves are considered in some of the States as merchandize, that cannot divest them of the leading and controlling quality of *persons*, by which they are designated in the Constitution. The character of property is given them by the local law. This law is respected, and all rights under it are protected by the federal authorities; but the *Constitution* acts upon slaves as *persons*, and *not as property*."

Judge Baldwin dissented from the majority of the court. He said, among other things—

"Slaves, then, being articles of commerce with foreign nations until 1808, and until their importation was prohibited by Congress, they were also *articles of commerce* among the several States which recognised them as property, capable of being transferred from hand to hand as chattels. Whether they should be so held or not, or what should be the extent of the right of property in the owner of a slave, depended on the law of each State; that was, and is, a subject on which no power is granted by the Constitution to Congress; consequently, none can be exercised, directly or indirectly. It is a matter of internal police, over which the States have reserved the entire control; they, and they alone, can declare *what is* property, capable of ownership, absolute or qualified; they may *continue or abolish slavery at their pleasure*, as was done before, and has been done since, the Constitution, which leaves this subject untouched and intangible, except by the States. As each State has plenary power to legislate on this subject, *its laws are the test of what is property*," &c.

If any thing more than this is wanted by the gentleman from Mississippi, we have it in the argument of his own Senator on this same case. Mr. Walker said, page 50—

"A certain number of negroes are now slaves in Mississippi, and articles of merchandize, by virtue of State laws and State power, within her limits. Now, *it is conceded* that the State may declare all these *not to be slaves*, or not to be merchandize, within her limits; yet it is contended [on the other side] she may not make the same declaration as to the negroes of other States when introduced into the State.

"A State may, *it is conceded*, [and it *was* conceded by all the judges and counsel,] establish or *abolish* slavery within her limits; she may do it *immediately*, or gradually and prospectively; she may confine slavery to the slaves then born and living in the State, or to them and their descendants, or to those slaves in the State and those introduced by emigrants, and not for sale, or to those introduced within a certain date," &c.

Again, he said—

"We say the character of merchandize, or property, is attached to negroes *not by any grant*

of power in the Constitution of the United States, but by virtue of the positive law of the States in which they are found; and with these States alone rests the power to legislate over the whole subject, and to give to them or take from them—either from the whole or any part or number of them—those already there, or those that may be introduced thereafter—in whole or in part, *th character of merchandize or property*, at their pleasure; and over all which State regulation Congress has not the slightest power whatever."

What, then, becomes of the argument of the gentleman from Mississippi, that a State cannot abolish slavery, or that of the gentleman from North Carolina, that the 5th article of the amendments of the United States Constitution is a prohibition upon the States? Have they a particle of ground on which to stand?

The gentleman from Mississippi said it was not in the power of Congress, he thanked God, nor of the abolitionists of England or of this country, to take his private property from him. Sir, it may not be in the power of the abolitionists of England, unless by force, and it certainly is not within the constitutional power of Congress, but the people of Mississippi can do it, should they happen to become abolitionists. I know the constitution of Mississippi says it shall not be done without providing compensation; but the people of Mississippi can alter their constitution.

The gentleman from Mississippi has enlarged somewhat on certain statistics of the last census, from which it seems to be inferred that a large portion of the black population go crazy as soon as they are set free, and that the only way to preserve their intellectual vigor and usefulness, in the mental world, is to keep them in a state of servitude. This is a notable discovery, and has already been laid before the world in a Southern Review. But, unfortunately for the theory which has been so carefully elaborated, it is all founded in error: it has all resulted from misplacing a few small columns of figures in the census of 1840. The error has been exposed for months, and it is rather a matter of surprise that the gentleman from Mississippi, as well as the Senator (WALKER) from that State, who has lately published a pamphlet in favor of the admission of Texas into the Union, should have overlooked the refutation of the theory, and the correction of the error on which it is founded. Here is a specimen of the error—In Maine, where I really never saw an insane colored man, the gentleman says, that one in fourteen are insane or idiots. I will show you a specimen of the mistakes which prevail. These errors were originally pointed out in the Boston Daily Advertiser, some time last summer, and have since been noticed in various publications. Here are six towns in Maine, which are thus entered on the census of 1840:

Towns.	Total colored inhab.	Colored insane.
Limerick,	0	4
Lymington,	1	2
Scarboro',	0	6
Poland,	0	2
Dixfield,	0	4
Calais,	0	1
Total,	1	19

It is easy to get a large per centage of colored insane and idiots by making nineteen insane and idiots out of *one* who is probably sane.

That a cold climate is not as congenial as a warm one to a race of people who originated within the tropics, and under the burning sun and perpetual summer of Africa, I am not disposed to deny; nor that, among all races of men, there is more proneness to insanity, where the mind is powerfully exerted, than there is in the stupid condition of the slave, where intellect is never cultivated or encouraged. The argument has been used here and elsewhere, that emancipation, in the Southern States, would result in deluging the North with manumitted slaves—a great error as I conceive. The entire current of colored emigration

would always set strongly to the South, as that of the whole population of New England does to the West, but for the existence of slavery *in the South*. This it is which turns that current of emigration against its natural course. But for this we should see no African colonists in the cold regions of Canada. They fly to an ungenial climate to avoid slavery, and the oppression of their race, where it exists.

The gentleman from Mississippi also quoted some authority to show that there was a much larger proportion of convicts in Philadelphia among the black population than among the white, especially for petty offences. It may be that a large proportion of white offenders escape punishment, while the poor negroes are selected for examples. There are however ample reasons, in the circumstances in which the colored population are placed, the position they occupy in society, and the prejudice against color, which serve to degrade them and take away the ordinary motives of emulation and ambition which stimulate all not marked by their color, to account for a greater disregard of the requirements of government. The serfs of Russia, though white, are said to be all liars and thieves. At least, this is the account their masters give of them, and they offer it as a reason for refusing to emancipate them.

The gentleman from Mississippi also told us of the happiness and innocence of the slaves of his State. He said "scarcely a farmer in Mississippi ever locked his door; they knew not the use of locks there; their pantries and their granaries were never locked, or, if locked at all, it was in the neighborhood of some petty town chiefly settled by Yankees."

Sir, I am glad to hear there is so much honesty, so much confidence and Arcadian simplicity among the yeomanry of Mississippi. I am happy to believe, and I thank God it is so, that the same honesty and confidence generally prevail in all parts of the United States in the rural districts. I have seen it myself. And I am not quite prepared to admit the superior morality of Mississippi over Yankee land. It is true we have had some men among us of doubtful morality. Occasionally, they have fled to the South; some to evade the payment of their debts, and some to avoid the penalty of their crimes. It is not impossible that some of them, particularly the former, may have taken up their residence in some of the "petty towns" of Mississippi. No doubt we still have some such among us; but we can safely say, I think, that we have a large majority of honest men in all our Eastern States, a majority, which no man believes can ever be changed, who not only are willing to pay their individual debts, but are willing to be taxed to pay the debts of the State which their legal representatives have contracted. In Mississippi, I am sorry to say, the majority is the other way. Sir, in Maine, our State credit is so good that our treasurer is now paying a premium of two and a half per cent., on our own State 6 per cent. stock which has only a year to run. He cannot get it of the holders on lower terms. Is the stock of Mississippi above par? Sir, I hope, if the government of that State is in the hands of the fugitive Yankees, in the "petty towns," that the honest people of the hamlets, who never lock their doors, will take the government of the State into their own hands and redeem its credit, until it shall be as free from dishonor as the States of New England, all of whose stocks, that have any, are above par, notwithstanding the dark shade thrown upon American credit generally by the conduct of some of the States of this Union.

The gentleman made himself quite merry upon another matter. He told us that the ladies of Rehoboth, Massachusetts, had petitioned to have the law repealed which prohibited intermarriages between blacks and whites, and that it *had* been repealed. This is true. It was repealed. And why should it not? Is there any law of that kind in Mississippi? I believe not, and probably not in any Southern State. Will it be said that such a law is necessary in Massachusetts, and not at the South? Is such a law there as superfluous as a law

against parricide among the ancient Romans, because the crime was never heard of? Then how comes it, I would like to know, that we every where see such a mixing of races, and so many shades of color every where at the South—

Mr. CAMPBELL, of South Carolina, (in his seat,) said "Have you seen it every where at the South—where have you seen it?

Mr. SEVERANCE. I see it here in this District. I have not been in all the Southern States, but have seen quite a variety of colors wherever I have been. There is no doubt of the fact. Is it the effect of climate? The gentleman from Ohio (Mr. DUNCAN) told us, the other day, that it was 300 years since the negro had been taken from his native climate and carried into the temperate zones, and in all that time his skin was as black, and his other peculiarities the same as ever. Sir, this does not accord with my observation. I see a great change going on, not, however, affecting all individuals alike. Some retain their original conformation and color, but others have become almost white. I suppose it cannot be by amalgamation, for some gentleman have a great abhorrence of that. It must be the effect of climate, for the instance is rare, indeed, that the child is of darker hue than its mother.

There was another remark of the gentleman from Mississippi, which struck me as worthy of notice. Speaking of the South, he said "Deny to them justice in the protection of their property, *or in relieving them from unjust taxation*, and there was another quarter that would feel their weakness. If this Congress rose without doing them justice *they would see the day when they would rue it*. He called upon the *Democratic* portion of this Congress to open their eyes and act upon this subject."

Well, now, here is something quite serious threatened. What is to be the penalty of all these neglects and omissions? Who is to "rue it?" Not the Whigs, I suppose, for the warning seems to be altogether directed to the "Democratic portion of this Congress" from the North; and the meaning of it, I suppose, is, that if the Northern friends of the Sage of Lindenwald do not vote to cut down the tariff, and do not vote to retain the 21st rule, he cannot have the vote of the South.

Mr. HAMMETT. I did not say any thing about the Sage of Lindenwald.

SPEAKER. Does the gentleman from Maine yield the floor?

Mr. SEVERANCE. I do not. I want all my hour. Of course he did not mention the Sage, but what else did he mean? We shall see if these warnings are heeded. The country will see.

The gentleman from Mississippi, and other gentlemen from the South, have repeatedly called upon the "Northern Democracy" to stand by the South in the protection of her institutions. No calls are made upon the Whigs of the North. Now, sir, I do not assume to answer for them, but for one, while I declare my opposition to slavery, and desire to see the end of it, I avow the belief that the most dangerous form of abolition is to be found in the avowed principles of this Northern Democracy, if there is any consistency and sincerity in these principles. The Whigs are all "law and order" men; they are not opposed to reform; not opposed to the correction of abuses; not opposed to the advancement of the principles of human liberty and equality; but they wish to advance safely and cautiously, holding on to what they have till they get something better; not madly and blindly plunging headlong into the wildest anarchy. How is it with this Northern Democracy, whose aid is now courted? Possibly enough of them may now be induced, by temporary advantage, to sacrifice the right of petition; but gentlemen from the South will find them dangerous allies if they bring their principles with them. These have been practically illustrated in the case of the Rhode Island controversy. Acting upon this subject, the Legislature of Maine, in 1842, adopted a report, from which I will read an extract:

"We understand that the action of a majority of *all the people*, without appeal to or interference by the constituted authorities, is alone sufficient to abolish and institute governments; that as constitutions are above the authorities and the laws, *so are the people above all constitutions.*"

The next year, March, 1843, resolutions were adopted, by a strictly party vote, in the House, on the last night of the session, declaring that a majority of the *people* have a right to assemble at any time, and, in any way they think proper, change the form of government. Under this doctrine, without the consent of the existing authorities; without any previous constitutional or legislative action; without any provision to prevent frauds; without any regard to existing laws defining what portion of the *people* shall vote; and on their own declaration that they have a majority of the people, they may proceed to make a new Constitution and organize a new government, taking possession of the public Treasury and public property by force, if necessary. This has been attempted in Rhode Island; and the Legislature of Maine, the Legislature of New Hampshire, and divers other Legislatures in which the same party were in power, took the same ground. Mr. Van Buren himself did not think it beneath him to give a very encouraging response to a letter from the Rhode Island insurgents, and to give his countenance to this new mode of altering State constitutions—a mode which, if applied to the United States Constitution, might facilitate the alteration proposed by the Massachusetts Legislature, as it would save the disagreeable necessity of obtaining the votes of three-fourths of the States; for a bare majority of any sort of *people*, of the whole Union, would be sufficient.

Politicians of this stamp, on whose aid Southern gentlemen are now relying, are constantly denouncing the Whigs as the aristocracy, and seeking to excite the prejudices of the poor against the rich as their natural enemies. How will this answer in the South?

Who are the aristocracy there, and who are the democracy? Surely the aristocracy must be those who not only own the land, but the *laborers* on the land; while the poor, the Democracy, though the most numerous, own neither land nor laborers, and being in a region where labor does not hold its just rank, they may become politicians, and adopt the Rhode Island mode of changing their government. Suppose they should do so—declare the existing government at an end, and resort to force to maintain the new one? They would, of course, summon all the means in their power. What these would be, in a desperate struggle, I hardly need indicate. It is obvious that the relations of master and slave could not long continue undisturbed in such a conflict, unless the freemen of the North came to the support of the old or the new government.

Slavery throughout all the Spanish American States was ended either in the war for independence, or the civil commotions which followed. Morillo, the Spanish general, set the example in Venezuela, by offering liberty to all the slaves who would join the royal forces. The Patriots made the same offer in self-defence. The example was followed elsewhere, and the last vestige of personal slavery on the Southern continent, Brazil excepted, has, I believe, recently been ended, in the war between the Argentines and the inhabitants of Uruguay.

These are not examples for us. Let us rather look to peaceful legislation—to the civilization of the age—to the onward progress of liberal opinions, and of prompt, conscientious action on the principles of justice and humanity.

Sir, I think I have shown that Congress has the power to abolish slavery in this District, and I have no hesitation in avowing my opinion, that it is the duty of Congress to do so. The difficulty certainly cannot be insurmountable, when we consider that there are less than 4700 slaves in the District, in a population of 54,000; a population, I would fain believe, to a great extent, already favorably disposed to the object, if we may judge by presentments of grand juries, in times past, against the domestic slave trade, and the fact that, in 1828, a petition for the suppression of that trade by Congress was signed by one thousand inhabitants

of the District. Fortified, too, as we are, in the action of the legislature of Pennsylvania, in 1828; the assembly of New York, in 1829; the legislature of Massachusetts, in 1837, and since; the legislature of Vermont at divers times, and the house of representatives of Maine, in 1838, all passing resolves that slavery ought to be abolished in the District of Columbia, the seat of the Federal Government; the proposition cannot be regarded as either new or unreasonable. Nor is it any thing of which the southern people have any right to complain, more than they have of the abolition of slavery in Pennsylvania. The example can be no otherwise dangerous to them than as it would show vividly before their eyes, here in the capital of the nation, the vast difference between the impulsive energy of a free community and the paralizing influence of slavery.

This District could be made one of the most flourishing communities in the whole Union. Now the three cities derive almost all their importance from their position at and near the seat of Government. Their commerce is small, their manufactures less; yet the capacity for both is great. The Potomac, at Georgetown affords a better water power than the Merrimac, at Lowell. Subsistence is cheaper here than there: a magnificent river below, a fertile country above, abounding in coal and iron. The mountains of Virginia are near, which might be covered with flocks of sheep, all together affording every facility for manufactures of wool, cotton and iron, almost without limit. All that is wanting is an investment of northern or European capital, and an opportunity for the labor of artisans of every sort from Europe and the North; for enterprising men and ingenious mechanics. These will not come here where labor is regarded as servile. The northern mechanic will not put himself on a level with the slave. He will choose rather to go to the West, or stay at the North. But, abolish slavery, and keep up the American system, and all the springs of industry will be put in motion here, in the very centre and heart of the republic, imparting, by its strong pulsations, life and vigor to the farthest extremity of the Union, and securing, for untold ages, the permanent establishment of the seat of Government, in the chosen city of the Father of his country.

Surely the southern States will not be so unreasonable as to insist that we must uphold slavery here to keep them in countenance, and that we must not abolish it here till every southern State has done it; that the seat of Government of this great and *free* republic must be the last refuge of slavery after it has been abolished by all the monarchies of Europe, and even by the pirates of Barbary. We have delayed it too long already; much longer than the patriots of the revolution contemplated, even those from the South. Let us take the matter into serious consideration. The people of the Union are doing so, and if we are laggard in our duty, other men will take our places.

The gentleman from South Carolina (Mr. Holmes) told us, when the discussion upon this subject began, that the wave of northern abolition was rolling in upon the South, and threatened her institutions with destruction; and the gentleman from Virginia, (Mr. Wise,) when he affected to give up the contest in this House, said the South had been dwarfed by the census, and no longer controlled the political destinies of the country. Sir, it is true that the South has been comparatively dwarfed by the census of 1840, and will be still more dwarfed by the census of 1850, though she may possibly retain, for a while, her ascendancy, or equal numbers, in the Senate, by extending the dwarfing process over a greater extent of territory to be acquired in the Southwest. But even if this be done, as, I trust, it will not be, the wave of free northern and of European population will press onward, and preponderate more heavily at each decennial term.

Sir, there is said to be a law in physics, that every tenth wave, as it rolls in upon the ocean shore, comes higher and heavier than either of the nine preceding. Whether this really be a law of the elements or not, it is certainly true of our political statistics. Every tenth wave, now that the limits of slavery have been reached on the Southwest, will press heavier and stronger on the federal

numbers of that institution. No cunning or artifice can evade this law of natural increase. The free yeomanry and artisans of the North, who get their living by their labor, will not migrate to the regions of slavery. Hence the great current of their emigration keeps northward of Mason and Dixon's line, and continues northward of the Ohio river. The South will continue to be dwarfed by a sparse population, thinly spread over a wretchedly cultivated soil, without arts or manufactures, while the industry of the country is confined to the unwilling labor of slaves. What has given the "*great West*" such an almost miraculous increase? We may look to the ordinance of 1787 for the grand secret. That prohibited slavery in all the vast and fertile territory northwest of the Ohio, obtained from Virginia. One single State, since made from that territory, has now twenty-one representatives on this floor, while Virginia herself, larger in territory, has only fifteen. Illinois, a State of but yesterday, has seven representatives, as many as South Carolina, one of the old thirteen. There is but one way in which the South can rightfully renew her growth, and swell her numbers on this floor; and that is by putting the whole of her population in a condition to be counted, instead of three fifths of a certain part of it.

Gentlemen tell us that we of the North have no interest in the question of slavery. Not so—we have a deep interest in all that concerns the welfare and the character of the Republic, of which we form a component part. No interest? Has not this nation, within a few years, expended nearly forty millions of dollars in a war with the Seminole Indians, originating in a quarrel about some runaway slaves? Have we not been threatened with a war with the greatest maritime power in the world, to recover payment for fugitive slaves escaped into the Bahamas? Has not our late Secretary of the Navy, (Mr. Upshur,) in contemplation of this war, and of the defence of our peculiar institutions, recommended an increase of our navy, which would have involved an annual expense of more than thirty millions of dollars for the navy alone? Are we not now threatened with a general war with Mexico and England, involved in a struggle to acquire territory upon which to extend slavery where the Mexicans had abolished it? Are not our free citizens imprisoned for no crime but their color? Are we not liable to be called into the field by the President of the United States, to suppress servile insurrections? Have not our mails been rifled, and our private correspondence been exposed? Have not these, and other injuries and liabilities to which we have been subjected, caused the formation of a new political party in the North, which proposes to array the entire North against the South, at the polls, on the single question of slavery alone—denying to every slaveholder any participation in the government of the country, so far as this party has the power to prevent it, and driving from public trust in the free States every man, from the highest to the lowest station, who does not adopt these proscriptive principles? Sir, I belong to no such party—I never can. It is a mistaken means to redress real grievances. It is conceived in the same spirit which has too much animated the South in grasping for undue political ascendancy, and over-jealous watchfulness over her precarious, vulnerable, and "peculiar" institution. I am ready to carry out the principles of the Constitution, as agreed to by our revolutionary fathers. They compromised this matter of slavery, and I am willing to abide by their agreement on the part of the North, while I will insist that its letter and spirit shall not be violated on the part of the South. When we can no longer endure a connection with slaveholding States, we will dissolve it peaceably; but while it exists, we will not ask a monopoly of office and political power which we should never submit to ourselves. We must not refuse to vote for a Southern man for President, or any other office, merely because he is a Southern man and a slaveholder. Such political action would separate us like two hostile clans, living on different sides of a river or mountain; we could never meet but in fierce array, battling like Scot and Southron in past centuries on either side the

Tweed. No, sir, we will adhere to the Union, trusting that, in the progress of civil liberty and the benign spirit of our religion, our friends of the South, who have the power to do so, will remove the great disturbing cause.

But I now tell this House that agitation upon this subject can never cease here while slavery exists under the authority of the Federal Government. There is no provision of the Constitution which confers upon Congress the authority to pass any law which shall make one man the slave of another. There was no such compromise in the Constitution as this; and the American people ought not, and I trust will not, long permit any such laws to exist by their authority. Their entire repeal is the ultimate point of political agitation in the free States. Agitation cannot, in this age of the world, and while it is pervading other countries, stop short of this. Repeal all such laws, absolve this Federal Government from all responsibility for the existence of slavery, and no more petitions will be received here. Agitation, if it continues, will be transferred to the legislatures of the States where slavery exists. No doubt it will still be a subject of popular discussion in all communities; but there will be no foundation or excuse for political action in Congress or the free States. Unless this is done, no man can foretel the consequences; the cloud, now seen in the distant horizon, no bigger than a man's hand, may overspread all the heavens in its gathering blackness, till the elements are stirred in their wrath, and the forked lightnings descend upon this Capitol, dashing our long cherished Union into fragments which cannot be again re-united. True, it may be said, such a party as has been described can never be very numerous in any State. So I believe, unless it thrives by the greater folly of other parties. But the friends of emancipation will not be confined to any such party. If they persevere, they will soon learn enough political wisdom to throw their weight where it will be felt, giving their votes to the candidates of other parties most favorable to their views, and carrying their points against slavery precisely as some of its advocates seem to propose to retain the gag rule, and effect the destruction of the protecting policy, by giving their presidential votes in a certain quarter, instead of setting up a candidate of their own in opposition without a chance of electing him.

Let no man say our Constitution guaranties slavery. It does not. The only provisions relating to it are—art. 1, sec. 1, which provides that "representatives and direct taxes shall be apportioned among the several States, &c., according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, *three-fifths of all other persons*." This was the first compromise. It recognises the existence of persons in the States other than freemen, and provides a way in which they shall be counted in federal representation, but confers no power on the Federal Constitution, except upon this precise and specific point. It was a compromise of the dispute whether they should *all* be counted or *none* of them.

The next compromise was 1st clause of sec. 9, which prohibited Congress from abolishing the slave trade *before* 1808. Surely this was no guaranty of slavery, but a tacit admission of the power of Congress to abolish slavery every where out of the local jurisdiction of the States.

The only other provision of the Constitution relating to slavery at all, is the latter clause of sec. 2, art. 4, which provides that "No person held to service or labor in one State, *under the laws thereof*, escaping into another, shall, in consequence of *any law or regulation therein*, be discharged from such service or labor," &c. It is a prohibition upon the *States* against any one of them extending the protection of its own laws, or the privileges of a freeman, to a person, "held to service or labor," escaping from such service in another State. This is no guaranty of slavery. It does not say slavery shall exist, or shall not, any where, but that the States shall not set each others' slaves free when escaping into their limits.

So mueh for the *compromises* of the Constitution relating to slavery. They are *these three*, and we must abide by them—giving to them, however, the strietest possible construction, where they are to be eonstrued against human liberty. But we are under no obligation to refrain from attempting to alter these provisions. The difficulty of proeuring any alteration is suffieiently great to proteet the South. Why should gentlemen be so mueh agitated at the reception and referenee of the resolutions of Massaehusetts? They propose no violenee; they do not assert that a majority of the whole people can ehange the Constitution of the Union in any way they see fit; but they propose to submit the question, whether an alteration shall be made in the mode prescribed by the Constitution itself. Do gentlemen here fear that one-half the slaveholding States will give up the three-fifths representation? Do they apprehend that these States will extend to the Constitution of the Union preeisely the same prineiples whieh they put in practiee among themselves in their own State representation? In apportioning their assigned number of representatives in Congress in distriets of their several States, and in fixing the basis of representation in their several Legislatures, only one single Southern State has adopted the basis of three-fifths of the slave numbers, and that State is Georgia. She alone adopts the rule of federal numbers. In Delaware, Maryland, Virginia, North Carolina, and South Carolina, the number of Representatives and Senators to whieh eaeh county or distriet is entitled, is arbitrarily fixed in their Constitutions,—with what reference to slave population, I am not able to say. In Kentucky, the basis of representation is on the number of "qualified electors;" in Tennessee, the number of "taxable inhabitants;" in Louisiana, for Representatives, "qualified eleetors"—Senatorial distriets arbitrarily fixed; in Mississippi, "free white inhabitants;" Alabama, "white inhabitants;" Missouri, "free white male inhabitants;"—

[Here Mr. Severance was stopped by the expiration of his hour.]